



Policy: 1120
Procedure: 1120.07
Chapter: Communications
Rule: Maintenance of the Mental Health Records

Effective: 03/20/07
Replaces: 1120.07
Dated: 07/15/05

Purpose:

Arizona Department of Juvenile Corrections (ADJC) shall ensure that each juvenile in custody has a mental health record containing information to support, document, and communicate his/her mental health care and shall safeguard it from any unauthorized use, access, loss, or destruction. While the mental health record is the property of ADJC, the content is the property of the juvenile.

Rules:

1. The **MEDICAL RECORDS LIBRARIAN (MRL)** shall:
 - a. Create a mental health record for each juvenile upon his/her admission to an ADJC secure-care facility;
 - b. Ensure that:
 - i. The mental health record is stored in an area that can be double-locked; and
 - ii. Access to keys to records areas is highly restricted.
2. The **MRL** shall ensure that each mental health record consists of six sections and maintain the sections as follows:
 - a. Section I (Intake):
 - i. Juvenile face sheet;
 - ii. Form 4250C Psychology Associate II File Review Form (from Reception, Assessment, and Classification);
 - iii. Form 4011.01A Legal Requirements Commitment Checklist;
 - iv. Court information:
 - (1) Order of commitment;
 - (2) Disposition minute entry;
 - (3) Adjudication committing offense(s);
 - (4) Juvenile profile;
 - (5) Policy report(s) for committing offense(s);
 - (6) Disposition report;
 - (7) Incident reports generated during current detention period; and
 - (8) Sex offender registration information.
 - b. Section II (Suicide Prevention):
 - i. Documentation of any suicidal behavior or ideation prior to admission;
 - ii. Form 4250A Initial Precautionary Risk Assessment; and
 - iii. Form 4250E Crisis Intervention Assessment (CIA).
 - c. Section III (Assessment/Evaluation):
 - i. Psychological and psychiatric reports, including mental health treatment summaries received from courts or previous treatment facilities;
 - ii. All assessments and evaluations completed while the juvenile is in the custody of ADJC; and
 - iii. Form 4250G Transfer Summary(ies).
 - d. Section IV (Case & Treatment Planning):
 - i. Previous case/treatment plans received from outside agencies; and
 - ii. Case Plans from ADJC.
 - e. Section V (Progress Notes):
 - i. Form 4200.09A Behavioral Health Services Progress Notes;
 - ii. Form 4250C Psychology Associate II File Review Form;
 - iii. Form 4200.09C Group Intervention Notes;

- iv. Form 4200.09E Contact Detail Report.
- f. Section VI (Correspondence):
 - i. Copies on all correspondence sent or received on behalf of the juvenile;
 - ii. Form 4200.07B Multi-Disciplinary Team (MDT) Monthly and Staffing Review;
 - iii. Form 4200.07C1 Monthly MDT/Staffing Update;
 - iv. Form 4200.07D Child and Family Team Meeting Notes.
 - v. Form 4200.05A Consent for Psychiatric Treatment;
 - vi. Form 1119B Authorization for Release of Information;
 - vii. Form 4200.08A Behavioral Health Treatment Contract;
 - viii. Form 4200.03A Referral for Mental Health Services.
- 3. Once the mental health record becomes too thick to maintain all information, the **MEDICAL RECORDS LIBRARIAN** shall;
 - a. Separate the record into two volumes;
 - b. Place the following in volume I:
 - i. Case Plan/ Treatment Plans – when thinning, place the last three months in volume II;
 - ii. Progress Notes - when thinning, place the last three months in Volume II; and
 - iii. Assessments/Evaluations - when thinning, place the most recent assessment in volume II.
- 4. The **MEDICAL RECORDS LIBRARIAN** shall file information in the mental health record (both Volume I and II when applicable) in reverse chronological order.
- 5. **ADJC PERSONNEL** shall use the following classifications to classify the contents of the mental health records for security purposes:
 - a. Confidential information - Reports in the mental health record that are based upon:
 - i. Examination;
 - ii. Treatment;
 - iii. Observation; or
 - iv. Conversation with the juvenile.
 - b. Non-confidential information – Reports based on non-privileged communication.
- 6. The **QUALIFIED MENTAL HEALTH PROFESSIONAL (QMHP)** shall utilize the mental health record to document all services and contacts.
- 7. Every **ADJC EMPLOYEE** shall sign Form 1119A [Employee Confidentiality Agreement](#) that his/her supervisor shall place in the employee's personnel file.
- 8. In order to access the juvenile's mental health record:
 - a. **ADJC PERSONNEL** shall obtain written authorization through the MRL unless the case comes under the jurisdiction of the Arizona statute of non-privileged communication.
 - i. In secure facilities only the MRL, QMHP, and Qualified Health Care Professional (QHCP) shall enter the health records storage area unescorted;
 - ii. Personnel other than the mental health and health employees handling or transporting the Mental Health Record shall do so with the record in a sealed folder.
 - b. The **REQUESTOR FOR THE MENTAL HEALTH RECORD** shall minimally include in the request:
 - i. Name, address, daytime telephone, and affiliation of the requesting party;
 - ii. Specific information to be released;
 - iii. A statement as to the purpose of the information and to whom the data will be distributed or disclosed;
 - iv. Name of the juvenile;
 - v. Signatures of the juvenile and his/her parent or legal guardian; and
 - vi. The effective authorization period.

9. The **MRL** shall:
 - a. Give information from the mental health record only upon written authorization that is signed and dated from a juvenile and his/her parent or guardian using Form 1119B Authorization for Release of Information in all cases except:
 - i. By Court Order or when a specific law or regulation permits;
 - ii. When the internal needs of the agency or the outside regulatory or licensing body requires or permits such access.
 - (1) When sending records to the outside regulatory or licensing body, the **MRL** shall remove juvenile identifying information from each page.
 - iii. In a psychiatric or medical emergency cases where not releasing the information to a QHCP or QMHP will result to harm of the juvenile;
 - iv. In cases of child abuse that must be reported, consistent with Procedure 1160.05 Reporting Suspected Child Abuse; and
 - v. When duty to warn is applicable and notification to a potential victim is mandated by law.
 - b. When responding to a Subpoena Duces Tecum, consult with the Legal Service Division and handle such requests in accordance with Policy 1308 Response to Subpoenas and Procedures 1308.01 Response to Court Summons, Subpoena, Notice of Deposition, or Interview and 1308.02 Response to Litigation-Related Request for Documents & Files;
 - c. Use the following timeframes for release of information:
 - i. Emergency: immediately;
 - ii. Juvenile care: within 24 hours; and
 - iii. Juvenile access: within 30 day as approved by Clinical Services Administrator.
(See below.)
 - d. Maintain a log to track the step-by-step progress toward completion of each release of information request. The MRL shall:
 - i. Update the log regularly; and
 - ii. Assign proper priorities with regards to :
 - (1) Date received;
 - (2) Name of juvenile;
 - (3) Name and address of requestor; and
 - (4) Information released.
10. The **QMHP, QHCP, YOUTH PROGRAM OFFICER III (YPO III), DIAGNOSTICIAN, SCHOOL PSYCHOLOGIST, FAMILY SERVICES COORDINATORS, AND ANY OUTSIDE PROVIDERS PROVIDING MENTAL HEALTH SERVICES TO A JUVENILE** shall have access to the mental health record.
 - a. The above shall not voluntarily use the mental health record in any manner which will jeopardize the interest of the juvenile;
 - b. The **AGENCY** may use the record, if necessary, to defend itself or its agents.
11. The **MRL OR DESIGNEE** shall ensure:
 - a. All mental health records removed from the active records are signed out in the daily Sign In/Out Log Book.
 - b. The Sign In/Out Log Book contains:
 - i. Juvenile's name and K number;
 - ii. Requestor's name;
 - iii. Date taken and time; and
 - iv. Date returned and time.
 - c. All entries are authenticated with a signature and date;
 - d. Review the mental health record for completeness, accuracy, and timely completion of information.
 - e. In accordance with Procedure 1052.03 Medical Monitoring and Quality Improvement, encompass a sample of ten percent of all mental health records or ten records,

whichever is great and complete a chart audit using Form 1052.01F [Mental Health Chart Audit](#).

- i. The **MRL** shall aggregate and report the results of this reviews to the Facility Psychologist or Clinical Supervisor, Clinical Services Administrator, and at the next Quarterly Quality Assurance meeting;
 - ii. **FACILITY PSYCHOLOGIST OR CLINICAL SUPERVISOR AND CLINICAL SERVICES ADMINISTRATOR** shall:
 - (1) Use the results for performance improvement purposes; and
 - (2) Note and respond to all deficiencies in accordance with Procedure 1052.01 [Behavioral Health Monitoring and Quality Improvement](#).
12. The **AUTHORIZED EMPLOYEE** signing out the record shall be fully responsible for the security of the record and any disclosures made while in possession of the record.
13. When the **AUTHORIZED EMPLOYEE** is finished with the record, **S/HE** shall return it to be filed by the end of the day and/or close of the health unit.
14. **ONLY AUTHORIZED PERSONNEL** shall have access to the mental health record. Therefore, **ADJC AUTHORIZED PERSONNEL** shall not:
 - a. Place records in lockers, briefcases, or desk drawers;
 - b. Leave the record in his/her office overnight or when the employee is off-duty;
 - c. Remove the record from the premises except as required by court subpoena or as approved for storage at an off-site facility;
 - d. Leave the record unsecured or unattended
 - e. Duplicate SOAP notes or records in a record other than the official mental health record.
15. Upon approval, the **MRL** shall release copies of the mental health record to a juvenile or to his/her legally authorized representative (i.e., spouse, immediate next of kin, legal guardian, juvenile's attorney, or third party as permitted by law), upon request by the juvenile.
 - a. The **MRL** shall ensure that a juvenile request of information for a mental health record or access to a record is made in writing, signed, and either mailed or hand delivered to the Clinical Services Administrator. Such requests shall describe the scope or type of record being sought and the manner of response desired by the inquirer;
 - b. Only the **CLINICAL SERVICES ADMINISTRATOR** can approve the juvenile's review of his/her chart.
 - i. In the event that it is clinically contraindicated that the juvenile shall have access to or obtain copies of his/her mental health record, the **MRL** shall make available access or copies of the clinical record to the juvenile's authorized representative;
 - ii. Once authorized by the Clinical Services Administrator, if a juvenile elects to review his/her mental health record with no copy made, the **QMHP** shall notify the juvenile that the mental health record will be available for review, at a specified date and time, under the supervision of an authorized employee.
 - c. The **MRL** may require a reproduction charge of the requestor. Per the Americans with Disabilities Act, **ADJC** shall bear the additional cost of production of material in an alternative format.
16. **AGENCY PERSONNEL** shall only remove electronic or paper copies of records during the transportation of a juvenile to another department, office, or as directed by the Legal Systems Division.
17. **AGENCY PERSONNEL** shall secure fax machines and computer printers that are used to receive or print mental health information behind a lockable door.

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18. In secure facilities, **MEDICAL AND MENTAL HEALTH PERSONNEL** shall locate the fax machines and computer printers that are used to receive or print mental health information in the Health Unit behind a lockable door.
19. The **MRL** shall ensure:
 - a. Mental health information is removed from the fax machine or printer as soon as possible;
 - b. If mental health information is received at an unsecured printer or fax machine, the **ADJC EMPLOYEE** shall deliver it to the intended recipient immediately.
20. **ADJC PERSONNEL** shall ensure e-mail messages containing mental health information about an individual juvenile shall:
 - a. Only include the juvenile's first name and last initial;
 - b. Be limited to the minimum necessary to accomplish a job/task;
 - c. Not be forwarded outside of the ADJC network.
21. In the event of an emergency at a secure facility, the **MRL** shall secure all mental health records.
22. The **MRL** shall send the complete mental health record with any juvenile transferred to another ADJC secure facility no later than the day of transport.
23. If the juvenile is released for cause, or reaches his/her 18th birthday, the **QHCP** shall send the mental health record to the designated Medical Records Librarian (MRL).
24. The **DESIGNATED MRL** shall:
 - a. Pack only records with a common destruction date into one box;
 - b. Prepare the Transfer Manifest Form that is provided by the Arizona Department of Library, Archives and Public Records, Records Management Division (RMD);
 - c. List all boxes to be transferred to RMD in the current shipment.
 - d. Place the Transfer Manifest and Data Entry (right side of bar code labels) forms inside one box and mark the box with a large X on the top of the lid;
 - e. Call RMD for pickup of each shipment.
 - i. **RMD** shall return a printout of box shipments.
25. **ADJC** shall hold juvenile mental health records in storage at the RMD until the juvenile's 25th birthday. Then, **RMD** shall shred these confidential records. The **RMD** shall send a "Notice of Destruction" to the ADJC Records Management Supervisor 60 days prior to the scheduled destruction date.

Effective Date:	Approved by Process Owner:	Review Date:	Reviewed By:
03/20/2007	Kellie M. Warren Psy.D		